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In this case it was held that imprisonment for two and one half months under the order of the governor, without sufficient reason, but in good faith, in the exercise of his power, under the state constitution and laws to call upon the military arm of the state government to suppress an insurrection, does not deprive the person imprisoned of his liberty without due process of law.

It was further held that a suit against the governor and certain officers of the national guard of the state, founded on such imprisonment, was not within the original jurisdiction of a federal circuit court under U. S. Rev. Stat., § 629, U. S. Comp. Stat. 1901, p. 506, as a suit authorized by law to be brought to redress the deprivation of any right secured by the constitution of the United States.

The judge advocate-general of England, before a committee of the House of Commons, in the case of martial law declared in Ceylon, in answer to a question put to him, stated that: "I believe the law of England is, that a governor, like the crown, has vested in him the right, where the necessity arises, of judging of it, and being responsible for his work afterwards, so to deal with the laws as to supersede them all, and to proclaim martial law for the safety of the colony." Quoted in *In re Egan*, Fed. Cas. No. 4,303 (5 Blatchf. 319).

Same—Necessity for Declaration of Martial Law to Be Affirmatively Shown.—Martial law can be indulged only in case of necessity, and, when the necessity ceases, martial law ceases. The necessity must be shown affirmatively by any person who assumes to exercise martial law. *In re Egan*, Fed. Cas. No. 4,303 (5 Blatchf. 319.)

Same—Subordination of Civil to Military Officers.—The authority of ordinary civil officers of the government is subordinated to that of military officers when the governor, in response to a call for military aid to restore order, which the civil officers are not able to do, details a military officer with troops at his command to perform that duty. *Commonwealth ex rel. Wadsworth v. Shortall*, 206 Pa. 165, 65 L. R. A. 193.

A military officer charged with the duty of suppressing a riot can not be punished by the civil authorities for acts which, at the time, seemed necessary for the accomplishment of his commission. *Commonwealth ex rel. Wadsworth v. Shortall*, 206 Pa. 165, 65 L. R. A. 193.

Injuries from Automobile Operated by Minor Son.—A kind and indulgent father purchased an automobile for the general use of his family. It was registered in his name, but the only member of his family licensed to operate it was his minor son. The mother had permission to use the machine whenever she desired, and the son, at her request, was expected by the father to take her out for a ride when she wanted to go. On an afternoon when the son was driving the car with his mother, at her request, plaintiff was injured by a

collision with it under circumstances which warranted a finding that the son was negligent. In determining the question of the father's liability for the injuries, the court in *Smith v. Jordan*, 97 North-eastern Reporter, 761, holds that the relation of husband and wife was such that the wife's use of the machine at the time was not her business, but the business of the husband, and the son in operating the machine at the mother's request was doing so in furtherance of the father's business, and he was therefore liable for the son's negligence.

NOTE.—In *Lynde v. Browning*, 2 Tenn. App. Cas. 262, it was held that a parent who buys an automobile for family use and allows his sons to operate it for pleasure and convenience of the family is liable for injuries inflicted by a son who is at the time running the machine for the convenience of his brother and himself with the knowledge and consent, expressed or implied, of his father. The court, in the above case, was of the opinion that when the head of a family at the request of the members purchases an automobile to be used indiscriminately for social calls and business errands and pleasure trips, in their career of development and enjoyment, he should be held liable for damages occasioned by collision in every instance except those in which the machine is being operated contrary to his wishes and express directions.

In *Daily v. Maxwell* (Mo.), 133 S. W. 351, it was held that the use of a machine by the minor son for family purposes would create the relation of master and servant.

In *Ingraham v. Stockman*, 118 N. Y. S. 399, which is one of the best considered decisions dealing with responsibility of the owners of automobiles, the following instruction was held proper: "The owner of an automobile should be responsible for injuries caused by it by the negligence of any one whom he permits to run it in the public street." It was further stated that the owner should, in a great measure, be held responsible for the manner in which the machine is being used by any one with his consent.

Liability of Corporation for Negligence of Its Chauffeur.—In *Cumberland Tel., etc., Co. v. Burns*, 1 Tenn. App. Cas. § 148, it was held that the operator of an automobile belonging to a corporation while being used in the business of the corporation and in pursuit of the affairs of the concern, is the servant of the corporation to such an extent as that it will be liable for his negligence.

No Double Standard of Credibility of Men and Women.—A part of the opinion of the Criminal Court of Appeals of Oklahoma in *Litchfield v. State*, 126 Pacific Reporter, 707, reads as follows: "This court takes judicial notice that men of the highest reputation for truth are often very lax in their ideas and habits with reference to virtue and morality. This is to be deplored, but it is nevertheless true. We must deal with humanity as it is, and not as we think it should be. It would, therefore, be exceedingly unjust to establish a rule which would allow many of the most truthful men of the state to have their veracity called in question by proof of their reputation for morality. If this is true as to men, why should not the same rule apply to women? We are not willing to establish a